

FISCAL NOTE

SB 2584 - HB 2661

February 18, 2006

SUMMARY OF BILL: Creates new Class C felony offense of aggravated statutory rape for statutory rape in which the age difference between victim and defendant is at least 10 years.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$449,400 / Incarceration*

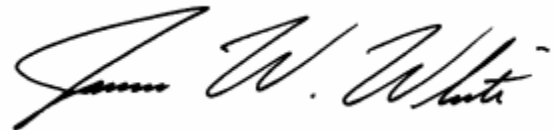
Assumptions:

- Statutory rape, including statutory rape with an age difference of 10 years or more, is currently a Class E felony.
- According to the Department of Correction, in 1999 – 2005, an average of 102 persons a year were convicted of statutory rape. Thirty-six percent of those convictions (37 persons) would have been for aggravated statutory rape under this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has averaged 1.09 percent per year for the past 10 years.
- Thirty-seven persons will be convicted for the offense of aggravated statutory rape in the first year. Population growth of 1.09 percent per year will result in four additional offenders serving additional time in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. §9-4-210, is based upon 41 offenders serving additional time on their sentences in the tenth year after enactment of this bill.
- Forty-one offenders will serve an additional 0.6 years (an increase from 0.3 years for statutory rape to 0.9 years for aggravated statutory rape). According to the Department of Correction, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58 days). The cost per inmate at 0.9 years is \$16,442.57 (\$50.02 x 328.72 days). The additional cost from increasing the average sentence length from 0.3 years to 0.9 years is \$10,961.38 (\$16,442.57 - \$5,481.19). The total additional operating cost for 41 offenders per year is \$449,416.58 (\$10,961.38 x 41).

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director